

# Agenda

# Environmental Protection Commission

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Dec 1994  
EPC Meeting

December 19, 1994

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

## Public Participation

10:30 A.M.

## Appointments:

~~delete~~ ~~Ida County Sanitary Landfill (Item #15b)~~  
~~Amoco Oil Company (Item #15a)~~

~~1:00 P.M.~~

1:00 p.m.

## Agenda topics

- |  |                                  |
|--|----------------------------------|
| 1. Approve Agenda  |                                  |
| 2. Approve Minutes of November 21, 1994                                    |                                  |
| 3. Director's Report   | Larry Wilson (Information)       |
| 4. Monthly Financial Status Report   | Stan Kuhn (Information)          |
| 5. UHL Agreement Amendment, Water Supply Reservoir Sampling                | Allan Stokes ( <b>Decision</b> ) |
| 6. UHL Agreement - Laboratory Certification                                | Allan Stokes ( <b>Decision</b> ) |
| 7. Monthly Reports   | Allan Stokes (Information)       |
| 8. Agreement - Polk County Local Air Pollution Control Program             | Allan Stokes ( <b>Decision</b> ) |
| 9. Final Rule--Chapters 20 & 31, General Conformity in Nonattainment Areas | Allan Stokes ( <b>Decision</b> ) |
| 10. Grants to Counties Private Well testing and Closure, FY 96             | Allan Stokes (Information)       |
| 11. State Revolving Fund, Intended Use Plan FY 95                          | Allan Stokes (Information)       |
| 12. Proposed Rule--Chapter 61, Stream Use Classifications                  | Allan Stokes (Information)       |
| 13. State Abandoned and Uncontrolled Site Registry Report                  | Allan Stokes (Information)       |
| 14. State Safe Drinking Water Program                                      | Allan Stokes (Information)       |

## EPC Agenda - Page 2

15. Referrals to the Attorney General

Allan Stokes **(Decision)**

a) Amoco Oil Company (Carroll)

*delete*

~~b) Ida County Sanitary Landfill~~

....16. Legislation

Larry Wilson **(Decision)**

....17. General Discussion

....18. Address Items for Next Meeting

**Next  
Meeting  
Dates**

January 17, 1995 (Tuesday)

February 20, 1995

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, December 19, 1994

NAME	COMPANY OR AGENCY	CITY
(PLEASE PRINT)		
Perry Beaman	Dm Register	DM
<del>Alvin Carter</del>	Clarke Co. Sanitation	Osceola
Rick Kelley	UHL	DM
Amy Christensen Couch	Sullivan & Ward	DM
Christopher D. Hess	EPA	Kansas City
Jack Clark	Iowa U.F. L. ty Assoc.	DM
L. D. McMullen	DMWW	DM
John Eichelberger	Stanley, Conde & Hunter	Muscatine
Mat f. Nunes	Ahlens Law Firm	DM
FE Sta	Nye & Law Firm	DM

RECORD COPY  
December 1994  
EPC Minutes  
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**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**DECEMBER 19, 1994**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**



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**MEETING MINUTES****CALL TO ORDER**

The meeting of the Environmental Protection Commission was called to order by Chairperson Siebenmann at 10:00 a.m. on Monday, December 19, 1994, in the Wallace State Office Building, Des Moines, Iowa.

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**MEMBERS PRESENT**

Verlon Britt  
William Ehm  
Rozanne King, Secretary  
Charlotte Mohr  
Kathryn Murphy  
Gary Priebe  
Nancylee Siebenmann, Chair  
Terrance Townsend  
Clark Yeager, Vice-Chair

**ADOPTION OF AGENDA**

The following adjustments were made to the agenda:

- Delete: Item #15b and relating appointment
- Add: Appointment - Amoco Oil Company (Item #15a) 1:00 p.m.

*Motion was made by Rozanne King to approve the agenda as amended. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS AMENDED**

**APPROVAL OF MINUTES**

*Motion was made by William Ehm to approve the meeting minutes of November 21, 1994, as presented. Seconded by Terrance Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**



## **DIRECTOR'S REPORT**

Larry Wilson, Director, stated that it is important to provide information to the public prior to rulemaking and related that the department has recently made use of the fibre optics system to do so. A workshop was recently presented on the Grain and Feed Industry Air Permit Program as well as one on Waste Management Assistance Division's WRAP Program. The WRAP workshop reached 50 hospitals throughout Iowa and covered the issue of how they can reduce waste in their facilities.

~~William Ehm commented that he attended the program on the Grain and Feed Air Permit Program and it went very well. He related that there were six presenters reaching 20 different locations around the state with whom there was interaction, and in order to accomplish that by traditional means it would be very difficult to get everyone there.~~

Director Wilson distributed copies of a letter to the Commission from the Rathbun Area Solid Waste Management Commission supporting the department's waste abatement methodology.

Mr. Wilson displayed a copy of the department's recent issue of SigNature and noted that it contains an explanation of how to acquire a REAP license plate.

## **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the YTD division-level expenditure status report as of 11/30/94. There are notes for each division commenting on significant variances from budget. Staff will present the report and respond to questions or comments by commissions relative to related fiscal matters.

(Reports are shown on the following 8 pages)

**DIRECTOR'S OFFICE/I&E BUREAU**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	941,578	970,715	407,700	399,665	8,035
PERS TRV IN	36,778	53,100	17,523	18,403	(880)
STATE VEHICL	4,347	7,931	3,331	1,611	1,720
DEPRECIATION	7,755	12,640	5,309	3,275	2,034
PERS TRV OUT	8,273	9,500	3,135	2,965	170
OFF SUPPLY	75,525	104,076	34,345	36,851	(2,506)
FAC MAINT SU	1,028	6,000	1,980	3	1,977
EQUIP MAINT	3,540	6,850	2,261	1,175	1,086
OTHER SUPPLY	39,327	65,899	21,747	41,216	(19,469)
PRINT & BIND	299,648	293,510	96,858	40,914	55,944
UNIFORMS	306	2,150	710	267	443
COMMUNICATIO	22,957	26,900	8,877	8,019	858
RENTALS	1,287	1,500	495	858	(363)
UTILITIES	218	750	248	60	188
PROF SERV	89,165	70,568	23,287	19,874	3,413
OUTSIDE SERV	25,614	28,550	9,422	2,988	6,434
ADVER PUB	0	6,000	1,980	0	1,980
DATA PROC	13,979	14,050	4,637	1,239	3,398
REIMBURSEMENT	2,060	6,175	2,038	277	1,761
EQUIPMENT	34,828	30,724	15,362	16,130	(768)
OTHER EXP	100	2,600	858	0	858
	1,608,313	1,720,188	662,101	595,790	66,311

Notes: Overage in Other Supplies relates to items for Aquatic Education program.

**ADMINISTRATIVE SERVICES DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	3,544,312	3,598,211	1,511,249	1,491,445	19,804
PERS TRV IN	36,797	48,050	15,857	11,671	4,186
STATE VEHICLE	48,733	57,000	23,940	19,592	4,348
DEPRECIATION	145,319	80,500	33,810	28,415	5,395
PERS TRV OUT	4,784	7,300	2,409	6,296	(3,887)
OFF SUPPLY	314,207	315,255	104,034	115,811	(11,777)
FAC MAINT SU	2,091	21,000	6,930	173	6,757
EQUIP MAINT	45,040	52,000	17,160	10,415	6,745
OTHER SUPPLY	8,005	14,300	4,719	966	3,753
PRINT & BIND	21,116	14,500	4,785	4,846	(61)
UNIFORMS	2,460	2,500	825	1,082	(257)
COMMUNICATION	98,778	97,100	32,043	26,781	5,262
RENTALS	503	500	165	184	(19)
UTILITIES	527	0	0	128	(128)
PROF SERV	62,018	40,000	13,200	14,176	(976)
OUTSIDE SERV	28,369	73,650	24,305	5,972	18,333
ADVER PUB	0	500	165	20	145
DATA PROC	188,477	97,000	32,010	111,032	(79,022)
AUDITOR REIM	163,645	160,000	52,800	56,753	(3,953)
REIMBURSEMENT	183,548	117,150	38,660	15,605	23,055
EQUIPMENT	173,698	158,508	79,254	87,884	(8,630)
OTHER EXP	383,632	165,320	54,556	0	54,556
LICENSES	0	50	17	0	17
	5,456,059	5,120,394	2,052,890	2,009,247	43,643

Notes: Overage in out of state travel involves training for specialized software not available in-state. Data Processing overage involves central DP costs not yet distributed to operating programs. Thus, operating program DP costs are understated by a similar amount. This will be adjusted when an updated distribution plan is completed for FY 95.

**PARKS, PRESERVES AND RECREATION DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	4,378,069	4,475,451	1,879,689	1,877,020	2,669
SEASONAL HELP	1,278,892	1,345,012	820,457	947,732	(127,275)
PERS TRV IN	72,376	57,274	18,900	18,227	673
STATE VEHICL	212,137	204,800	86,016	96,027	(10,011)
DEPRECIATION	304,490	296,900	124,698	125,770	(1,072)
PERS TRV OUT	4,998	7,585	2,503	1,947	556
OFF SUPPLY	33,046	35,700	11,781	23,005	(11,224)
FAC MAINT SU	500,824	479,500	158,235	211,610	(53,375)
EQUIP MAINT	400,521	286,749	94,627	148,036	(53,409)
AG CONS SUPP	67,853	26,792	8,841	8,655	186
OTHER SUPPLY	39,315	36,194	11,944	13,221	(1,277)
PRINT & BIND	54,853	24,000	7,920	3,881	4,039
UNIFORMS	31,530	31,577	10,420	12,857	(2,437)
COMMUNICATION	98,313	98,002	32,341	33,473	(1,132)
RENTALS	37,023	34,900	11,517	23,542	(12,025)
UTILITIES	432,202	401,951	132,644	164,026	(31,382)
PROF SERV	97,181	62,408	20,595	2,150	18,445
OUTSIDE SERV	221,882	179,852	59,351	88,322	(28,971)
ADVER PUB	1,070	1,050	347	412	(66)
DATA PROC	4,555	5,000	1,650	0	1,650
REIMBURSEMENT	7,084	2,425	800	1,900	(1,100)
EQUIPMENT	203,645	202,000	101,000	56,993	44,007
OTHER EXP	776	4,700	1,551	0	1,551
LICENSES	512	697	230	74	156
	8,483,147	8,300,519	3,598,058	3,858,880	(260,822)

Note: Park and recreation areas experienced very heavy visitation and camping activity during the first 4 months of the FY. The apparent overages relate partially to this heavy usage, and to typical seasonal variation in expenditure patterns. Overages will be offset by increased camping fees.

**FORESTS AND FORESTRY DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	1,700,668	1,762,827	740,387	715,303	25,084
SEASONAL HELP	93,663	110,874	67,633	33,018	34,615
PERS TRV IN	34,236	43,500	14,355	12,956	1,399
STATE VEHICLE	68,031	91,000	38,220	27,874	10,346
DEPRECIATION	133,145	139,700	58,674	56,155	2,519
PERS TRV OUT	7,996	9,300	3,069	4,347	(1,278)
OFF SUPPLY	16,770	20,300	6,699	7,907	(1,208)
FAC MAINT SU	50,454	44,000	14,520	14,031	489
EQUIP MAINTENANCE	59,574	57,000	18,810	18,858	(48)
AG CONS SUPPLY	130,342	144,000	47,520	49,018	(1,498)
OTHER SUPPLY	39,763	39,900	13,167	3,481	9,686
PRINT & BIND	5,909	15,500	5,115	1,558	3,557
UNIFORMS	8,066	15,600	5,148	2,687	2,461
COMMUNICATION	31,170	43,669	14,411	10,630	3,781
RENTALS	34,925	36,000	11,880	7,012	4,868
UTILITIES	28,690	37,000	12,210	6,498	5,712
PROF SERV	0	500	165	0	165
OUTSIDE SERV	59,777	68,500	22,605	9,038	13,567
ADVER PUB	406	2,000	660	49	611
DATA PROC	19,776	3,300	1,089	0	1,089
REIMBURSEMENT	918	550	182	0	182
EQUIPMENT	74,077	115,931	57,966	74,334	(16,369)
	2,598,356	2,800,951	1,154,484	1,054,754	99,730

**ENERGY & GEOLOGICAL RESOURCES DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	2,254,092	2,396,255	1,006,427	940,033	66,394
PERS TRV IN	20,252	39,893	13,165	7,083	6,082
STATE VEHICL	12,298	19,000	7,980	3,891	4,089
DEPRECIATION	25,560	30,500	12,810	10,150	2,660
PERS TRV OUT	41,042	66,696	22,010	16,147	5,863
OFF SUPPLY	30,407	34,560	11,405	6,717	4,688
FAC MAINT SU	2,284	1,700	561	4	557
EQUIP MAINT	3,212	8,350	2,756	876	1,880
PROF SUPPLY	977	5,121	1,690	92	1,598
OTHER SUPPLY	21,530	36,953	12,194	6,526	5,668
PRINT & BIND	31,317	49,700	16,401	6,756	9,645
UNIFORMS	0	1,000	330	0	330
COMMUNICATION	40,457	45,850	15,131	11,906	3,225
RENTALS	2,194	500	165	2,027	(1,862)
UTILITIES	19,980	18,400	6,072	3,692	2,380
PROF SERV	767,256	1,352,826	446,433	54,249	392,184
OUTSIDE SERV	21,166	75,677	24,973	13,746	11,227
ADVER PUB	460	0	0	66	(66)
DATA PROC	13,584	22,900	7,557	528	7,029
REIMBURSMENT	5,306	7,330	2,419	1,229	1,190
EQUIPMENT	94,217	105,945	52,973	26,037	26,936
OTHER EXP	4,639	25,409	8,385	0	8,385
	3,412,230	4,344,565	1,671,835	1,111,755	560,080

Note: Professional Services budget line involves many, separate grants and projects, and a major, cooperative program with the USGS. Expenditures do not flow evenly from these projects.

**ENVIRONMENTAL PROTECTION DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	7,539,956	8,584,860	3,605,641	3,200,665	404,976
PERS TRV IN	52,321	143,000	47,190	17,146	30,044
STATE VEHICL	38,614	48,500	20,370	17,388	2,982
DEPRECIATION	62,205	70,500	29,610	26,050	3,560
PERS TRV OUT	68,533	165,114	54,488	21,080	33,408
OFF SUPPLY	75,264	110,469	36,455	24,463	11,992
FAC MAINT SU	989	8,600	2,838	684	2,154
EQUIP MAINT	14,440	17,000	5,610	4,307	1,303
PROF SUPPLY	0	1,350	446	0	446
OTHER SUPPLY	21,959	44,050	14,537	7,100	7,437
PRINT & BIND	58,487	82,050	27,077	37,120	(10,044)
UNIFORMS	1,992	4,500	1,485	1,218	267
COMMUNICATION	150,998	162,600	53,658	57,479	(3,821)
RENTALS	65,589	66,500	21,945	24,034	(2,089)
UTILITIES	17,622	24,811	8,188	4,215	3,973
PROF SERV	1,441,690	5,067,139	1,672,156	296,521	1,375,635
OUTSIDE SERV	84,580	71,080	23,456	28,628	(5,172)
INTRA TRANSF	0	404,000	133,320	0	133,320
ADVER PUB	6,536	10,600	3,498	1,069	2,429
DATA PROC	165,651	239,206	78,938	0	78,938
REIMBURSEMENT	23,854	45,650	15,065	5,958	9,107
EQUIPMENT	323,387	2,772,339	1,386,170	256,394	1,129,776
OTHER EXP	8,650	23,250	7,673	0	7,673
	10,223,317	18,167,168	7,249,810	4,031,519	3,218,291

Note: The division will be under budget, particularly early in the fiscal year. The expansion of the Air and Water programs assumes full staffing throughout the year, but realistically most staff will appear on the payroll toward the end of the second quarter. \$6.6 million in Air receipts were estimated at the beginning of the year, and much of the staffing, professional services and equipment budgets reflect that estimate. A decision was made to delay collection of a major portion of these fees until it is determined what level of receipts are required. The above statement reflects the original \$6.6 million estimate, but not the recent decision to defer collection of a portion of those estimated fees.

**FISH AND WILDLIFE DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	11,725,190	11,802,780	4,957,168	4,977,951	(20,783)
SEASONAL HELP	621,243	781,508	476,720	398,725	77,995
PERS TRV IN	345,439	351,280	115,922	125,462	(9,540)
STATE VEHICL	505,451	497,386	208,902	215,712	(6,810)
DEPRECIATION	678,010	754,723	316,984	289,465	27,519
PERS TRV OUT	30,179	40,400	13,332	15,944	(2,612)
OFF SUPPLY	329,984	334,118	110,259	84,863	25,396
FAC MAINT SU	401,632	491,580	162,221	101,157	61,064
EQUIP MAINT	361,965	350,436	115,644	185,407	(69,763)
AG CONS SUPP	294,457	382,075	126,085	103,514	22,571
OTHER SUPPLY	152,016	105,707	34,883	77,051	(42,168)
PRINT & BIND	157,197	224,375	74,044	71,655	2,389
UNIFORMS	106,426	134,675	44,443	36,103	8,340
COMMUNICATION	236,569	207,200	68,376	88,263	(19,887)
RENTALS	56,926	73,535	24,267	15,956	8,311
UTILITIES	212,848	226,116	74,618	60,470	14,148
PROF SERV	134,334	411,009	135,633	83,917	51,716
OUTSIDE SERV	207,047	162,812	53,728	94,352	(40,624)
ADVER PUB	2,024	2,600	858	393	465
DATA PROC	69,538	54,000	17,820	0	17,820
REIMBURSEMENT	68,912	68,450	22,589	14,219	8,370
EQUIPMENT	439,667	1,258,954	629,477	160,984	468,493
OTHER EXP	1,897	600	198	3,253	(3,055)
LICENSES	46	300	99	11	88
	17,138,997	18,716,619	7,784,269	7,204,827	579,442

Note: The apparent budget overages are primarily the result of normal seasonal variation in workload.



**WASTE MANAGEMENT ASSISTANCE DIVISION**

<b>EXPENSE CATEGORY</b>	<b>Actual FY94</b>	<b>Budget FY95</b>	<b>YTD Budget 11/30/94</b>	<b>YTD Actual 11/30/94</b>	<b>Under (Over)</b>
PERS SERV	710,567	750,557	315,234	321,725	(6,491)
PERS TRV IN	27,240	34,300	11,319	12,113	(794)
PERS TRV OUT	22,096	47,200	15,576	9,227	6,349
OFF SUPPLY	6,849	26,200	8,646	3,330	5,316
EQUIP MAINT	0	3,150	1,040	198	842
OTHER SUPPLY	7,665	5,585	1,843	1,675	168
PRINT & BIND	31,417	51,324	16,937	16,593	344
UNIFORMS	0	100	33	0	33
COMMUNICATION	14,989	17,500	5,775	4,775	1,000
RENTALS	889	1,550	512	400	112
PROF SERV	66,367	118,411	39,076	66,318	(27,242)
OUTSIDE SERV	9,218	14,300	4,719	227	4,492
ADVER PUB	1,614	2,600	858	0	858
DATA PROC	7,270	7,600	2,508	0	2,508
REIMBURSEMENT	16,575	23,100	7,623	1,169	6,454
EQUIPMENT	0	15,700	7,850	9,055	(1,205)
OTHER EXP	4,639	5,700	1,881	0	1,881
	927,395	1,124,877	441,429	446,805	(5,376)

Note: The apparent overage in Professional Services results from a error of charging a \$47,500 expenditure her instead of a separate groundwater account. It will be corrected in December.

Mr. Kuhn presented the financial reports and noted that the Parks Divisions in running about \$400,000 more in camping receipts that last year at this time. Last year camping receipts were low due to the floods. He reported that \$2.9 million dollars were collected in air permit fees through the end of November, which is needed to finance the program.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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**UHL AGREEMENT AMENDMENT, WATER SUPPLY RESERVOIR SAMPLING**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission will be asked to approve an amendment to the Department's FFY 1995 agreement with the University of Iowa's Hygienic Laboratory (UHL) for environmental monitoring and laboratory services. The amendment will provide funding of \$42,500 to UHL for sampling 19 water supply reservoirs for herbicides. Funds to support this activity are available from an EPA grant made to the Department under Section 106 of the Clean Water Act for monitoring the environmental effects of the 1993 floods.

In early 1993, the Department in cooperation with the UHL and the US Geological Survey sampled 15 water supply reservoirs, analyzing the water and sediment for seven commonly used herbicides as well as various physical parameters. The results showed that water in 14 of the 15 reservoirs contained detectable levels of at least one of the seven herbicides, although none of the concentrations exceeded drinking water MCLs or HALs. Three of the seven herbicides were found in the sediment of eight reservoirs. Concentrations of herbicides in the sediment were higher than the concentrations measured in water. Alachlor was detected in the sediment of two reservoirs but was not detected in the water.

This sampling project would replicate as closely as possible the 1993 sampling program as to the time of year the samples are collected, the location of the samples, and the analytes. An additional four reservoirs not sampled in 1993 will also be sampled and a concurrent sample of the finished drinking water will be obtained and analyzed for the same seven herbicides. It is anticipated that the sample collection will be conducted in early to late winter during ice-over conditions and the samples analysis and final report will be available by mid-1995. The results will be compared to the 1993 study results to determine if the 1993 floods had a significant effect on the water quality of surface water reservoirs used for drinking water.

Mr. Kuhn reviewed details of the agreement.

*Motion was made by William Ehm to approve the agreement with UHL for Water Supply Reservoir Sampling as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

William Ehm commented that in paragraph two of the item brief, it stated that concentrations of herbicides in the sediment were higher than concentrations measured in water, and he feels that rather than spending lots of money to monitor and clean it up, it would be better to go back to the source and spend more time and effort on soil conservation whereby those nutrients will then stay where they belong and not get into the water courses.

## **UHL AGREEMENT - LABORATORY CERTIFICATION**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission will be asked to approve an agreement with the University of Iowa's Hygienic Laboratory (UHL) for determining qualifications of laboratories requesting certification to practice the analysis of drinking water, or water and soil samples for compliance with the Underground Storage Tank (UST) program. This agreement also is for the development of a similar program for the certification of laboratories to analyze samples of wastewater for the National Pollutant Discharge Elimination (NPDES) program. The proposed 1995 agreement is a continuation of the 1994 drinking water certification agreement, implements the program developed for the UST program and develops the NPDES program. It also runs for 18 calendar months to change the normal contract time period to match the state's fiscal year.

The total amount of the agreement is estimated at \$68,400. Attached is a summary of the projected costs broken down by program area. The agreement amount reflects UHL's best estimate of their actual costs plus the University of Iowa's indirect cost rate. The agreement will be supported by fees from the laboratories being certified. The cost of the development of the NPDES certification program will be supported by fees from certified laboratories. Under Iowa Code §455B.103, the Department is required to contract with the UHL for these services unless the required services cannot be provided by the UHL.

The following schedule covers the agreement amounts to be paid quarterly.

#### AGREEMENT AMOUNTS PAID QUARTERLY

<u>BILL RECEIVED BY</u>	<u>Water Supply Laboratory Certification</u>	<u>Underground Storage Tank Laboratory Certification</u>	<u>Program Development COST</u>
	<u>COST</u>	<u>COST</u>	
April 15, 1995	\$ 4,200	\$ 3,200	\$ 4,000
July 15, 1995	\$ 4,200	\$ 3,200	\$ 4,000
October 15, 1995	\$ 4,200	\$ 3,200	\$ 4,000
January 15, 1996	\$ 4,200	\$ 3,200	\$ 4,000
April 15, 1996	\$ 4,200	\$ 3,200	\$ 4,000
July 15, 1996	\$ 4,200	\$ 3,200	\$ 4,000
Fixed Agreement	\$ 25,200	\$ 19,200	\$ 24,000
Amount Subtotals			

TOTAL FIXED AGREEMENT AMOUNT

\$68,400

#### Potential Additional Water Supply Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1996

Potential Additional Fee for Water Supply Laboratory Certification repeat visits = \$200 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee for additional performance evaluation samples for Water Supply Laboratory Certification = Up to

Additional Performance Evaluation Fees

\$100 per performance evaluation sample.

Potential Additional Fee if more than 50 labs  
are examined = (Total labs - 50) x \$500.

Additional Laboratory Fees

### Potential Additional Underground Storage Tank Laboratory Certification Fees

Amounts to be Billed Prior to July 15, 1996

Potential Additional Fee for Underground  
Storage Tank Laboratory Certification repeat  
visits = \$300 x Number of repeat visits.

Additional Visit Fees

Potential Additional Fee if more than 35 labs  
are examined = (Total labs - 35) x \$500.

Additional Laboratory Fees

Mr. Kuhn briefly explained the proposed agreement with UHL.

*Motion was made by Charlotte Mohr to approve an agreement with the University of Iowa Hygienic Laboratory for Laboratory Certification at a cost of \$68,400. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

Allan Stokes commented that there is no finer buy in the country or no finer laboratory than the UHL and Iowa is very lucky to have them available.

### MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

[illegible]

MONTHLY VARIANCE REPORT						
Month: November, 1994						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Titonka	Air Quality		Separation Distance	Approved	11/24/97
2.	City of Johnston	Wastewater Construction	Veenstra & Kimm, Inc.	Lagoon Rip Rap	Denied	11/28/94
3.	Benton County Sanitary Landfill	Solid Waste	Howard R. Green Co.	Liner	Approved	11/01/94
4.	Midwest Fly Ash Sanitary Landfill	Solid Waste		Coal Combustion Residue	Approved	11/10/94
5.	City of Clermont	Watersupply Construction	TeKippe Engineering	Siting Criteria - Well House Floor Drains	Denied	11/23/94
6.	City of Clermont	Watersupply Construction	TeKippe Engineering	Siting Criteria - Above Ground Storage Tank	Approved	11/23/94

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## Report of Hazardous Conditions

During the period November 1, 1994, through November 30, 1994, reports of 54 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
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11/09/94 Winneshiek	A truck transporting leachate from the county SLF collided with a car, releasing 1700 gallons of leachate along Highway 9 east of Decorah. No waterways were impacted.	Winneshiek Co. SLF RR Decorah, Iowa	Analysis of leachate samples taken in October showed values for BOD and pH within acceptable ranges. Therefore, no action was required.
11/29/94 Dubuque	A hose came loose as denatured ethanol was being transferred into an aboveground tank at a facility in Dubuque. 1000 Gallons of product were released into secondary containment. No impacts to surface or ground waters are anticipated.	Molo Oil 150 Cedar Cross Road Dubuque, Iowa	The company hired a contractor to recover free product and excavate contaminated soils.

Substance						Mode				
Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	51(36)	38(37)	3(6)	10(13)	32(34)	0(0)	16(20)	0(0)	0(0)	10(2)
November	54(52)	24(34)	7(3)	23(15)	29(30)	0(3)	22(14)	3(0)	0(1)	0(4)
December										
January										
February										
March										
April										
May										
June										
July										
August										
September										

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '94)

1	2	3	4	5	6
16	8	3	2	16	9

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**NUMBER OF LUST CLEANUPS COMPLETED**

During the period of November 1, 1994 through November 30, 1994, the following number of LUST cleanups were completed:

20(802)

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The number in parentheses represents the total number of LUST cleanups through November 30, 1994.

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**NUMBER OF LOW RISK SITES APPROVED**

During the period of November 1, 1994 through November 30, 1994, the following number of low risk sites were approved:

64(504)

The number in parentheses represents the total number of low risk LUST sites through November 30, 1994.

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**REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS**


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During the period of November 1, 1994 through November 30, 1994, the following number of releases from underground storage tanks were identified.

28 (22)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1993.

**Enforcement Report Update**

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Bork Transport, Inc., Des Moines (5)	Underground Tank	Illegal Deposit	Order/Penalty \$1,000	11/01/94
Jeff Buch, Jefferson Co. (6)	Wastewater	Prohibited Discharge	Order	11/02/94
Welch Oil, Inc., Williams (2)	Underground Tank	Insurance	Order/Penalty \$10,000	11/04/94
Collier Oil Company; Clark Concrete Company, Onawa (4)	Underground Tank	Site Assessment	Order/Penalty \$3,300	11/15/94
James Huyser, Trust Trucking Corporation, Lovilia (5)	Underground Tank	Site Assessment	Referred to AG	11/21/94
Rayburn Court for Moible Homes, Mason City (2)	Drinking Water	Monitoring/Reporting-Lead & Copper, Public Notice	Referred to AG	11/21/94

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## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Melvin Foubert d/b/a Mel's Repair Service (What Cheer)	UT	400	12-13-93
Richard Waugh d/b/a Dick's Apco Car Wash (Hampton)	UT	885	12-13-93
Stan Simmer d/b/a Tire City (Des Moines)	UT	600	12-21-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	200	1-20-93
William Hatch d/b/a R & R Convenience Store (Central City)	UT	2,480	2-28-93
K-Service, Inc.; Kirkendall Enterprises, et.al. (Sloan)	UT	1,440	2-28-94
Kurt & Mary Marzofka; John & Shirley Riordan (Sabula)	UT	500	3-31-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	4-22-94
Ida Grove Farm Supply Co. d/b/a Double Circle Farm Supply Co. (Galva)	UT	2,300	5-15-94
Leland Koster and Jim Koster (Alexander)	UT	350	6-11-94
Dennis Malone & Joanne Malone (Morning Sun)	UT	600	6-16-94
*Home Asbestos & Lead Abatement Services (Johnston)	AQ	350	7-02-94
King Transfer, Ltd.; George B. King (Onawa)	UT	2,400	7-20-94
Jack Thiel, Inc. (Remsen)	UT	300	7-26-94
McCarthy Homeowners Assn. (LeClaire)	WS	275	8-20-94
Central Water Works (Fort Dodge)	WS	275	8-21-94
Blanchard, City of	WS	275	8-22-94
Crawford Flats, Ltd. (Denison)	WS	275	8-25-94
Pacific Junction, City of	WS	1,000	8-27-94
Birmingham, City of	WS	550	8-28-94
Dakota Mobile Home Park (Iowa City)	WS	550	8-28-94
Holland, City of	WS	550	8-28-94
Denmark Municipal Water Supply (Denmark)	WS	550	8-28-94
Hide-A-Way Manor (Cedar Rapids)	WS	275	8-28-94
Woodburn, City of	WS	550	8-25-94
*Terry Beaird d/b/a Curry Environ. Services (Marion)	AQ	1,000	9-01-94
Coralville Lake Terrace Assn. (North Liberty)	WS	550	9-01-94
Ledges Water District (Boone)	WS	275	9-02-94
Midway Water & Lighting (Marion)	WS	550	9-08-94
The Marley Pump Co. (Davenport)	WS	125	9-13-94
RHCL School (Luxemburg)	WS	125	9-14-94
Kalo Well Company (Otho)	WS	110	9-14-94
Willey, City of	WS	110	9-14-94
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
Verde Water Company-Table Mound #1-Well #1 (Dubuque)	WS	900	9-19-94
Trout Valley 2nd Addition (Bettendorf)	WS	125	9-19-94
Orrie's Supper Club, Inc. (Hudson)	WS	275	9-19-94
Kilpeck Mobile Home Park (Muscatine)	WS	275	9-23-94
Immanuel Lutheran Church and School (Readlyn)	WS	275	9-23-94
Sunshine Homes, Inc. (Atlantic)	WS	275	9-25-94
Scenic View Estates (Decorah)	WS	275	9-25-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Yarmouth Elementary School (Mediapolis)	WS	375	10-12-94
Batavia, City of	WS	650	10-17-94
Geils Oil Company; Lawrence P. Geils (Donnelson)	UT	3,200	10-18-94
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	10-22-94
Western Hills Light and Water (Algona)	WS	100	10-24-94
Oxford, City of	WS	100	10-25-94
Pioneer, City of	WS	100	10-26-94
Wunschel Oil, et.al. (Battle Creek)	UT	6,400	11-08-94
Paul L. Dunkel (Delaware Co.)	SW	1,500	11-09-94
*Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	250	11-15-94
DBM, Inc. (Cedar Falls)	WW	10,000	11-30-94
Hopkinton Municipal Utilities	WS	100	12-24-94
Donald K. Schmidt (Cedar Rapids)	UT	3,000	12-27-94
Bork Transport, Inc. (Des Moines)	UT	1,000	1-04-95
Waste Management & Design, Inc. (Webster City)	WW	7,200	1-10-95
Collier Oil Co.; Clark Concrete Co. (Onawa)	UT	3,300	1-22-95
Edward Bodensteiner (Des Moines)	UT	3,200	-----
Plantation Village Mobile Home Park (Burlington)	WW	1,000	-----
James and Roxann Neneman; J & R Mini Mart (Council Bluffs)	UT	3,900	-----
William R. Hennessey & Son, Inc. (Cedar Rapids)	UT	2,670	-----
<b>TOTAL</b>		<b>94,515</b>	

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald F. Ervin (Ft. Dodge)	SW	669	3-05-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91

\*Payment Schedule

E94Dec-17



F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	440	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Robert Bodwell (Winterset)	UT	300	7-07-93
Richard Newman (Des Moines Co.)	SW	500	11-01-93
Louis Saak d/b/a Saak Oil Co. (Baxter)	UT	1,560	12-25-93
Smith Oil Co.; Franklin Smith (Mt. Ayr)	UT	600	3-31-94
Jay Browns d/b/a Browns Service (Murray)	UT	1,272	4-04-94
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Buffalo Bill Estates, Inc. (Clinton Co.)	WS	1,000	6-18-94
The Heights (Monticello)	WS	670	6-23-94
Rayburn Court for Mobile Homes (Mason City)	WS	375	9-29-94

TOTAL 24,388

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Decatur, City of	UT	600
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Chicago/Northwestern Transp. Co. (Council Bluffs)	HC	1,000
Pirelli Armstrong Tire Corp. (Polk Co.)	SW	1,000
TRS Industries, Inc.; City of Des Moines (Des Moines)	SW	3,000
Land Renu, Inc. (Rockwell City)	SW	1,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udel (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
Porcine-New Way Co.	WW	4,000
J.P. Scherrman, Inc. (Farley)	UT	1,160
Walnut Grove Water Company (Davenport)	WS	2,000
Lester D. Davis & Evelyn McKelvogue (Warren Co.)	AQ/SW	5,000
Waverly Gravel & Ready-Mix aka Shell Rock Sand & Gravel (Shell Rock)	AQ	3,000
Anderson Excavating & Wrecking Co. (Waterloo)	AQ	1,000
Farmers Hybrid Companies, Inc. (Keokuk Co.)	WW	4,500
L.F. & Betty Everett; Vern Barker & Donald Knotts, d/b/a Barker & Knotts Construction; and Gene Phillips (Ottumwa)	AQ	10,000
Eli Shada (Anamosa)	UT	1,328
James and Robert Brock d/b/a B & B Oil (Ringsted)	UT	1,685
M and D Tire Processing, Inc. (Decatur Co.)	SW	10,000
Merrill, City of	AQ	5,000
Harold Lee (Keokuk Co.)	WW	3,300
Riverside Plating Company (Shell Rock)	WW	1,500
Economy Solar Corp. (Monticello)	AQ	5,000
Toys "R" Us, Inc. (Davenport)	UT	5,560
Coastal Mart, Inc.-Store #1081 (Davenport)	UT	5,320

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John Deere Company (Waterloo)	AQ	1,000
Enviro Safe Air, Inc. (Sioux City)	AQ	2,000
Parkwest, Ltd.; Wilbur Numelin; Ricky Lee Anderson (Clear Lake)	UT	2,280
Country Stores of Carroll, Ltd.; Roger Kanne (Carroll)	UT	10,000
Elite, Ltd.; Roger Kanne; James Pietig (Coon Rapids)	UT	3,500
Elite, Ltd.; Roger Kanne; James Pietig (Logan)	UT	3,288
HiWay Texaco, Ltd.; Roger Kanne; Rick Kanne (Bagley)	UT	5,000
Arlo Becker d/b/a Becker's Auto Salvage (Benton Co.)	AQ	3,000
Galva Union Elevator Co. (Galva)	UT	3,100
Farmers Hybrid Companies, Inc. (Hamilton Co.)	WW	5,000
Sara Lee Corporation (New Hampton)	WW	10,000
Creston, City of	WW	1,000
New Hampton, City of	WW	10,000
Joseph L. Ranker; Daryl Hollingsworth (Indianola)	UT	4,000
Larry and Kelly Miller (Ogden)	UT	2,000
K-Mart Corporation/Store #7261 (Des Moines)	UT	6,000
Frontier Cooperative Herbs (Vinton)	AQ	5,000
R.D.J. Farms; Donald Vogt (Van Horne)	UT	1,300
Home Oil Stations; Otto-Matic; Larence Otto (Burlington)	UT	3,000
Winfield S. McKinney; Gary L. McKinney (Union Co.)	WW	1,000
Pella Construction Co., Ltd. (Pella)	WW	10,000
Dickens, City of	WS	550
Tom Wiseman (Sheffield)	UT	3,500
Woodlyn Hills (Algona)	WS	275
Lakewood Utilities (Ft. Dodge)	WS	550
Village Oaks Homeowners Assn. (Blue Grass)	WS	550
Pathway Christian School (Kalona)	WS	275
South High Point Well Assn. #2 (Iowa City)	WS	110
Louis Rich Company (Sigourney)	WS	500
Pleasant Creek Estates Assn. (Shellsburg)	WS	275
Kessler's Homeowners Assn. (Iowa City)	WS	275
Iowa City Regency Mobile Home Park (Iowa City)	WS	1,000
Woodburn, City of	WS	550
Cherry Hills Homeowners Assn. (Iowa City)	WS	275
Edinburgh Manor (Anamosa)	WS	200
Windy Ridge Well Assn. (Lisbon)	WS	110
Karl and Thelma Boylan d/b/a Boylan's Service (Northboro)	UT	1,800
Thomas M. Scheetz d/b/a The Depot Food N' Fuel (Oxford)	UT	2,300
Rolling Hills Mobile Home Park (Nevada)	WW	1,000
William Jensen d/b/a B & B Tire & Oil Co. (Avoca)	UT	2,300
Riverview Estates (Iowa City)	WS	275
Crabtree Lake Resort (Rhodes)	WW	5,400
Elmer R. Faust d/b/a Faust Garage & Grocery (Delaware)	UT	2,300
Rome, City of	WS	550
American Coals Corporation-Site #5 (Bussey)	SW/AQ	10,000
H.E.W., Inc. a/k/a Hazardous Environmental Wastes, Inc., a/k/a Algona Roofing & Insulation, Inc. (Algona)	AQ	5,000
Bankston, City of	WS	550
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
David Schultz (Clayton Co.)	WW	2,000
Burke Marketing Corporation (Nevada)	WW	5,000
Chicago & North Western Transportation Co. (Clay Co.)	WW/SW	10,000
Jim Foust (Indianola)	SW	2,175
Green Acres Mobile Home Village I (Evansdale)	WS	550
Titan Wheel International, Inc. (Walcott)	WW	10,000
Ronald Sizemore and Mark Murphy (Eldora)	UT	3,200
First United Methodist Church (Ft. Madison)	AQ	10,000
Mike Murphy d/b/a Hawley Heating & Air (Keokuk)	AQ	10,000
Boomsma's Egg, Inc. (Alden/Galt)	AQ	10,000
Boomsma's, Inc. (Alden)	WW	2,500
A.J. DeCoster (Wright Co.)	AQ	1,000
A.J. DeCoster (Wright Co.)	WW	2,500
George Dolan (Northwood)	UT	3,300
Chuck Widner, Jr. d/b/a E.D.O., Inc. (Glidden)	AQ	2,000
Woodbury County Highway Department (Woodbury Co.)	UT	4,000
Keith Owens and Howard Maurer (Wilton)	UT	3,100
Eagle Lane Corporation (Blue Grass)	WS	275
Twin View Heights (Solon)	WS	500
Pettengill Concrete and Gravel, Inc. (Rock Rapids)	FP	10,000
Tom Babinat d/b/a Tom's Car Care (Grundy Center)	UT	3,600
Welch Oil, Inc. (Williams)	UT	10,000
Richard Beckett (Villisca)	UT	1,300
<b>TOTAL</b>		<b>387,751</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Kennedy Car Kleen (Fairfield)	WW	250
Giese Construction Co.; William Giese (Ft. Dodge)	UT	600
Fernald Water Supply (Nevada)	WS	200
Colesburg, City of	WS	100
Cotter Elementary School (Cotter)	WS	100
Suburban Utilities (Davenport)	WS	50
Environmental Recycling Co., Inc. (Massena/Brooks)	AQ/SW	500
Ryan Construction Co. aka Ryan Companies (Cedar Rapids)	AQ	3,000
Dave Schmitt Construction Company, Inc. (Cedar Rapids)	AQ	1,000
Dubuque, City of (STIPULATED PENALTY)	WW	1,500
Wiota, City of	WS	250
Case Power and Equipment (Decorah)	WS	250
Haasco, Ltd. (Dyersville)	AQ	250
American Demolition Corp. of Iowa (Cedar Rapids)	AQ	3,000
Vern Starling (Boone Co.)	SW	100
<b>TOTAL</b>		<b>11,150</b>

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
AMPC Lytton (3)	Wastewater	Operational Violations	Referred to Attorney General	Referred	8/10/94
Achenbach, Mark Rockford (2)	Underground Tank	Site Assessment	Order	Referred Petition Filed	6/20/94 8/22/94
Advanced Technologies Corp. Cedar Falls (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Monticello (3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
American Asbestos Training Center, Ltd. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
American Demolition Corp. Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred	10/17/94
Ampel Corporation Des Moines (5)	Air Quality	Construction Without Permit Permit Conditions	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment DNR Motion to Disqualify Attorney Hearing	12/20/93 2/21/94 9/02/94 10/18/94 11/18/94
Bodwell, Robert Winterset (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	2/21/94 7/21/94
Brokaw, Ray d/b/a The Heights Monticello (1)	Drinking Water	Monitoring/Reporting- Bacteria; Public Notice	Order/Penalty	Referred Motion for Judgment	9/19/94 10/27/94
Browns, Jay Murray (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	6/20/94 8/24/94
Buffalo Bill Estates Clinton Co. (6)	Updated Drinking Water	Monitoring/Reporting MCL - Bacteria	Order/Penalty	Referred Petition Filed	8/15/94 11/16/94
Carson Grain & Implement Co. Coggon (1)	Updated Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Consent Decree (\$7,500/Civil & Injunction)	10/18/93 12/09/93 11/25/94
Chicago & Northwestern Transportation Co.  Blue Chip Enterprises  Hawkeye Land Company Iowa Falls (2)	Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93 9/15/94
Cota Industries, Inc. Des Moines (5)	Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed	4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Des Moines, City of (5) v. IDNR	Solid Waste	DNR Defendant	Defense	Petition Filed Application for Stay DNR Answer	1/18/94 1/18/94 2/08/94
Dunton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)	Updated Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Tried to Court Judgment (\$30,000/Civil & Injunction)	6/15/92 3/04/93 10/19/94 10/27/94
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Economy Solar Corp. Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94

## Environmental Protection Commission Minutes

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Economy Solar Corp. Cedar Rapids (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	7/22/94 8/29/94
Ervin, Don Webster County (2)	Solid Waste	Operation Without Permit	Order/Penalty	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentence Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 1/10/95
Giese, William Giese Construction Co. Ft. Dodge (2)	Updated Flood Plain Wastewater	Unauth. Construction Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	7/18/94 10/12/94
Harrison County Board of Supervisors (4)	Solid Waste	Operating Violations	Referred to Attorney General	Referred Petition Filed	2/21/94 7/11/94
Huyser, James; Trust Trucking Lovilia (5)	New Underground Tank	Site Assessment	Referred to Attorney General	Referred	11/21/94
International Hydroform Pella (5)	Updated Underground Tank	Remedial Action	Order	Referred Petition Filed Trial Continued	5/17/93 1/18/94
Jack Link Truck Line, Inc. Dyersville (1)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Continued	5/17/93 1/07/94
Jarvis, Marjorie and Terry Strong Council Bluffs (4)	Underground Tank	Closure Investigation	Order	Referred Petition Filed	11/15/93 2/14/94
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McCarty Creek Homeowners LeClaire (6)	Drinking Water	Monitoring/Reporting- Lead & Copper	Order/Penalty	Referred	10/17/94
Bob McKiniss Excavating & Grading v. IDNR	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation Ruling on Phase I Trial	3/12/91 5/01/91 3/26/92 9/01/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtrg/Rprtng Nitrate, Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.) Motion for Judgment	11/16/92 4/02/93 6/30/94
Northwood Cooperative Elevator, Worth Co. Co-op Oil	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Answer Consolidation Order	12/07/92 12/28/92 1/05/93
Amoco v. IDNR				Suit Filed DNR Answer Consolidation Order	12/07/93 12/28/92 3/10/93
Rayburn Court for Mobile Homes Mason City (2)	New Drinking Water	Monitoring/Reporting; Lead & Copper	Order/Penalty	Referred	12/15/92 1/04/93 3/10/93
					11/21/94

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	6/20/94 8/10/94
Relative, Inc ; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred	10/17/94
Pruess, Harlan Cedar Co. (6)	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Saak, Louis d/b/a Sank Oil Co. Baxter (5)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed	3/21/94 9/08/94
Smith, Franklin; Smith Oil Company Mt. Ayr (5)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	4/18/94 7/25/94 5/16/95
Soldat, Mark S. Kossuth Co (2) vs. IDNR	Updated Wastewater	DNR Defendant	Defense	Suit Filed Petitioner's Motion for Partial Summary Judgment Answer Hearing Date Ruling	9/16/94 10/06/94 10/20/94 10/31/94 11/03/94
Troutman, Jerry L. & Richard Van Buren Co. (6)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	10/18/93 2/15/94
Waterloo, City of (1)	Wastewater	Discharge Limits	Referred to Attorney General	Referred Petition Filed Trial Date	11/15/93 12/30/93 3/13/95
Waterloo Community School District Waterloo (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed	3/21/94 8/29/94
Young, David Sierp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 12/14/93

DEPARTMENT OF NATURAL RESOURCES  
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	-----	Hearing continued.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	Awaiting revised SCR.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
6-08-89	Shaver Road Investments	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Murphy	Settlement proposed.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Dept. - 4/23/93. Appealed to Iowa Supreme Court. Arguments - 9/15/94.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Murphy	Settlement near.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	8/94-Follow-up letter to city attorney regarding resolving appeal. 9/94 response from city attorney. 11/1/94 Letter to city attorney regarding appeal.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	-----	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	-----	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	EPD met with City to resolve appeal issues. Follow-up meeting to be held.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued.
9-12-90	Michael & Joyce Haws; George M. Gronau	Administrative Order	UT	Wornson	New party has assumed liability. Will dismiss case upon completion of SCR.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Settlement letter sent to attorney.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Proposed decision - 2/18/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
12-03-90	United States Gypsum Co. Smitty's Oil	Site Registry	HC	Preziosi	Negotiating before filing.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Hearing continued to further order.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued indefinitely. Working towards settlement.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WM	Murphy	Negotiating before filing.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Settled.
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Wiote, City of	Administrative Order	WS	Hansen	Penalty paid. Settled.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued for fluoride removal. Facility to be installed by 10/30/94.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Administrative Order	WM	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Wornson	Settlement letter sent 8/31/94. SCR initiated.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WM	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AO	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WM	Murphy	Settled.

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8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
11-13-92	Tracy Below	Administrative Order	WW	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Hansen	Unacceptable revised work plan submitted. Request acceptable plan by 4/29/94. Letter from facility's attorney 4/94. 5/94 letter to F.O. 3 from company regarding submittal of site assessment. 10/94 Letter to facility attorney regarding site assessment.
11-16-92	Frank Hulsehizer	Administrative Order	SW	Kennedy	Negotiating before filing.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data. Company response submitted 12/93. EPD to review information regarding permit calculations.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Decision received 9/13/93. Appealed to EPC. Affirmed 12/20/93. Petition for judicial review.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SW	Kennedy	Negotiating before filing.
3/11/93	Land Renu, Inc.	Administrative Order	SW	Wornson	Compliance complete. Negotiating penalty.
4/05/93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD - letter drafted.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AQ/HC WW	Preziosi	Settlement reached pending submission of certain financial documents.
4/12/93	LeMars, City of	Administrative Order	WW	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued. 2/94-Schedule submitted by City for remaining construction.
4/16/93	Phil McMains	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WW	Hansen	Under review by EPD.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
5/23/93	Fellmer Motors	Administrative Order	FP	Clark	Negotiating before filing.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Frieders	Permit Issuance	FP	Clark	Final decision 10/17/94.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
6/23/93	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	On appeal to District Court. Compliance initiated.
6/29/93	Mel-Ray MHP and Sales	Administrative Order	WW	Clark	Negotiating before filing.
7/06/93 7/28/93	Dennis E. Good Berniece K. Nease	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93. 12/93 Dept. letter to attorney. Construction permit issued 2/94. Facility to be installed by 11/30/94.

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Hearing set for 12/13-14/94.
7/20/93	U.S. Dept. of Defense	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WW	Clark	Negotiating before filing.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	Final decision. Referred to EPC 11/21/94.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Muscatine Power & Water	Administrative Order	AQ	Preziosi	Area declared nonattainment. Hearing continued indefinitely.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Settlement close. Drafting consent order.
8/24/93	Green Valley Chemical	Permit Conditions	WW	Hansen	Company to do stream survey 8/94. Survey completed. Meeting to discuss survey 9/11/94. Survey being reviewed by EPD.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/15/93	Bedford, City of	Plant Classification	WW	Hansen	Under review by EPD.
10/25/93	Porcine-New Way Co.	Administrative Order	WW	Clark	Negotiating before filing.
11/04/93	Silver City	Permit Conditions	WS	Clark	Negotiating before filing.
11/15/93	J.P. Scherrman, Inc.	Administrative Order	UT	Wornson	Penalty letter sent.
11/16/93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	Settlement close.
11/17/93	Osceola, City of	Permit Conditions	WW	Hansen	Letter from City requesting dismissal of appeal.
11/22/93	Walnut Grove Water Co.	Administrative Order	WS	Hansen	Settlement offer sent to company's attorney. Offer accepted. Consent order sent for signatures. 5/94 order issued to facility. 11/7/94 contract entered into for funding of project to upgrade.
12/13/93	Lester R. Davis and Evelyn McKelvogue	Administrative Order	AQ/SW	Kennedy	Settlement pending.
12/23/93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/03/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
1/06/94	L.F. Everett and Betty Everett	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/07/94	Eli Shada	Administrative Order	UT	Wornson	Negotiating before filing.
1/13/94	James and Robert Brock d/b/a B & B Oil Co.	Administrative Order	UT	Wornson	Settlement offer pending.
1/18/94	M & D Tire Processing, Inc.	Administrative Order	SW	Kennedy	Settlement pending.
1/18/94	Merrill, City of	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/19/94	Cottage Reserve Corp.	Permit Conditions	WS	Clark	Negotiating before filing.
1/20/94	Gene Phillips d/b/a Phillips Sanitation	Administrative Order	AQ	Preziosi	Negotiating before filing.
1/27/94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/02/94	John Deere Waterloo Works	Tax Certification	WW	Hansen	Negotiating before filing.
2/09/94	Harold Lee	Administrative Order	WW	Clark	Negotiating before filing.
2/14/94	Economy Solar Corp 94-AQ-04	Administrative Order	AQ	Preziosi	Proposed decision appealed.
2/15/94	Riverside Plating	Administrative Order	WW	Hansen	Settlement offer received from company regarding penalty.
2/21/94	Toys "R" Us	Administrative Order	UT	Wornson	Compliance initiated. Penalty appealed.
2/25/94	John Deere Waterloo Works	Administrative Order	AQ	Preziosi	Settlement close.



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2/28/94	Coastal Mart Davenport	Administrative Order	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3/01/94	Parkwest Ltd.; Wilbur Numelin; Ricky Lee Anderson	Administrative Order	UT	Wornson	Hearing rescheduled. 11/18/94 continuance filed. Settlement pending.
3/01/94	Enviro Safe Air, Inc.	Administrative Order	AQ	Preziosi	Settlement close.
3/03/94	Burlington Northern Railroad	Tax Certification	WW	Hansen	Negotiating before filing.
3/08/94	Country Stores of Carroll, Ltd.; Elite Ltd.; Roger Kenne; James Pictig (Logan) (Coon Rapids)	Administrative Order	UT	Wornson	SCR overdue. Letter sent. Penalty on appeal. Compliance initiated.
3/17/94	Arlo Becker d/b/a Becker's Auto Salvage	Administrative Order	AQ	Kennedy	Settlement pending.
4/19/94	Galva Union Elevator Co.	Administrative Order	UT	Wornson	SCR submitted. Negotiating penalty.
5/09/94	Sara Lee Corporation	Administrative Order	WW	Murphy	Negotiating before filing.
5/09/94	Farmers Hybrid Co., Inc.	Administrative Order	WW	Clark	Negotiating before filing.
5/10/94	Clarke County SLF	Administrative Order	SW	Kennedy	Penalty paid. Settled.
5/11/94	Creston, City of	Administrative Order	WW	Hansen	EPD meeting with City 10/28/94.
5/19/94	New Hampton, City of	Administrative Order	WW	Murphy	Negotiating before filing.
5/23/94	Newton, City of; Leland C. Faidley; Robert & Lynn Van Maaren; Doyle Churchill; Lucille Loar; Melburn & Jayne Clymer	Permit Issuance	FP	Clark	Hearing set for 1/13/95.
5/27/94	Joseph L. Ranker; Darl Hollingsworth	Administrative Order	UT	Wornson	Compliance initiated.
6/03/94	Maquoketa, City of	Administrative Order	WW	Hansen	11/4/94 Construction permit issued to facility for new facilit. Construction to begin immediately.
6/08/94	Larry & Kelly Miller	Administrative Order	UT	Wornson	Compliance initiated.
6/14/94	K-Mart Corp./Store #7261	Administrative Order	UT	Wornson	Compliance initiated.
6/15/94	Winfield Scott McKinney; Gary L. McKinney d/b/a Harmony Creek Farms	Administrative Order	WW	Hansen	To be sent to DIA.
6/15/94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS.
6/20/94	R.D.J. Farms and Donald Vogt	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Griffith Oil Corp.	Administrative Order	UT	Wornson	Compliance initiated.
6/24/94	Larence Otto	Administrative Order	UT	Wornson	Compliance initiated.
6/28/94	Woodburn, City of	Administrative Order	WS	Hansen	Negotiating before filing..
6/29/94	Colesburg, City of	Administrative Order	WS	Hansen	11/9/94 Penalty paid. Settled.
7/01/94	Pella Construction Co.	Administrative Order	WW	Hansen	Hearing set for 1/9/95.
7/05/94	Cotter Elementary School	Administrative Order	WS	Clark	Negotiating before filing.
7/05/94	Iowa City Regency MHP	Administrative Order	WS	Clark	Penalty paid. Settled.
7/06/94	Dickens Water Works	Administrative Order	WS	Clark	Negotiating before filing.
7/07/94	Rose Bar Tire Shredding	Administrative Order	SW	Kennedy	In bankruptcy.
7/12/94	Woodlyn Hills	Administrative Order	WS	Hansen	Negotiating before filing.
7/12/94	Tom Wiseman	Administrative Order	UT	Wornson	New case. Appeal untimely.
7/15/94	Village Oaks Homeowners	Administrative Order	WS	Hansen	Negotiating before filing.
7/18/94	Silver City	Permit Conditions	WS	Hansen	11/10/94 Letter from City regarding appeal. Amended permit issued. Settled.

E94Dec-

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
7/19/94	Lakewood Utilities	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pathway Christian School	Administrative Order	WS	Clark	Negotiating before filing.
7/20/94	Pleasant Creek Estates	Administrative Order	WS	Hansen	10/7/94 Letter to facility regarding appeal. 11/14/94 Follow-up letter to facility.
7/21/94	Hickory Hills Subdivision	Administrative Order	WS	Hansen	Negotiating before filing.
7/21/94	Green Acres MH Villa 1	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	South High Point Well #2	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Louis-Rich Co.	Administrative Order	WS	Hansen	11/14/94 Follow-up letter to facility regarding settlement.
7/25/94	Kesslers Homeowners Assn.	Administrative Order	WS	Clark	Negotiating before filing.
7/25/94	Riverview Estates	Administrative Order	WS	Hansen	Negotiating before filing.
7/25/94	ACC Chemical Co. Getty Chemical Co.	Permit Conditions	WW	Hansen	Hearing continued to 7/95 at facility's request.
7/27/94	Twin View Heights	Administrative Order	WS	Hansen	11/14/94 Letter to facility regarding settlement.
7/27/94	Eagle Lane Corporation	Administrative Order	WS	Hansen	10/31/94 Letter to facility regarding appeal.
8/09/94	Cherry Hills Subdivision	Administrative Order	WS	Clark	Negotiating before filing.
8/10/94	Edinburgh Manor	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Windy Ridge Well Assn.	Administrative Order	WS	Clark	Negotiating before filing.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service	Administrative Order	UT	Wornson	Compliance initiated.
8/18/94	Thomas Scheetz d/b/a The Depot Food & Fuel	Administrative Order	UT	Wornson	Negotiating before filing.
8/22/94	Rolling Hills MHP	Administrative Order	WW	Hansen	Negotiating before filing.
8/29/94	Atlantic, City of	Administrative Order	WW	Hansen	Under review by EPD.
8/29/94	B and B Tire and Oil	Administrative Order	UT	Wornson	Negotiating before filing.
8/30/94	HWH Corporation	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/01/94	Elmer R. Faust d/b/a Faust Garage & Grocery	Administrative Order	UT	Wornson	Compliance initiated.
9/02/94	Crabtree Lake Resort	Administrative Order	WW	Hansen	Settlement meeting 11/02/94.
9/02/94	Jay Anderberg; Diane McKellip	Administrative Order	UT	Wornson	Hearing set for 12/16/94.
9/06/94	HEW, Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9/09/94	American Coals Corp.	Administrative Order	SU/AQ	Kennedy	Bankruptcy filed.
9/12/94	Rome Water Supply	Administrative Order	WS	Clark	Negotiating before filing.
9/12/94	Charles Morrison; Bill Hinon; Marie Hinman; Robert Bennett, et.al.	Permit Issuance	FP	Clark	Sent to DIA.
9/15/94	David L. Schutz	Administrative Order	WW	Clark	Negotiating before filing.
9/15/94	Bankston	Administrative Order	WS	Hansen	City submitted information to WS for review 11/94 Settlement proposal to City.
9/16/94	Munschel Oil Co.; Vernus Munschel; Jacquelyn Munschel; Mark Munschel (Ida Grove)	Administrative Order	UT	Wornson	Negotiating before filing.
9/19/94	Burke Marketing Corp.	Administrative Order	WW	Hansen	Negotiating before filing.
9/23/94	Chicago and Northwestern Transportation Co.	Administrative Order	SU/WW	Murphy	Negotiating before filing.
9/26/94	James D. Foust	Administrative Order	SU	Kennedy	Negotiating before filing.
10/07/94	Titan Wheel International	Administrative Order	WW	Hansen	Negotiating before filing.

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
December 1, 1994

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
10/17/94	First United Methodist Church	Administrative Order	AQ	Preziosi	Settlement meeting set for 12/7/94.
10/19/94	Ronald Sizemore; Mark Murphy	Administrative Order	UT	Wornson	Negotiating before filing.
10/25/94	Mike Murphy d/b/a Hawley Heating & Air	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	WW	Clark	Negotiating before filing.
10/26/94	Boomsma's Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/26/94	A. J. DeCoster	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/27/94	George Dolan	Administrative Order	UT	Wornson	Negotiating before filing.
10/27/94	Chuck Winder d/b/a E.D.O., Inc.	Administrative Order	AQ	Preziosi	Negotiating before filing.
10/31/94	Woodbury Co. Highway Dept.	Administrative Order	UT	Wornson	Negotiating before filing.
10/31/94	Keith Owens; Howard Maurer	Administrative Order	UT	Wornson	Negotiating before filing.
11/07/94	Jerry Smith; Norma S. Nelson	Permit Issuance	FP	Clark	New case.
11/08/94	Pettengill Concrete & Gravel	Administrative Order	FP	Clark	New case.
11/10/94	Williams Pipeline Company	Permit Denial	AQ	Preziosi	New case.
11/14/94	Tom Babinat d/b/a Tom's Car Care	Administrative Order	UT	Wornson	New case.
11/28/94	Richard Beckett	Administrative Order	UT	Wornson	New case.
11/30/94	Welch Oil, Inc.	Administrative Order	UT	Wornson	New case.

Mr. Stokes presented the reports and noted that Mike Murphy will handle the enforcement portion of the reports.

Chairperson Siebenmann asked for an update on the Terra Industries situation.

Mr. Stokes stated that the situation is presently stable although not secure. He added that Terra has been fully cooperating with the Emergency Management Division and all participating state agencies in doing everything that has been asked of them.

Chairperson Siebenmann commented that Terra has been in compliance and had all of their permits up to date.

Director Wilson noted that Al Stokes' division staff did an excellent job on-site and one individual in particular, Kathy Lee, displayed exemplary performance in writing news releases that were used by all entities involved.

Discussion took place regarding the Kossuth County case listed on page 7 of the referrals.

<b>INFORMATIONAL ONLY</b>
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## **PUBLIC PARTICIPATION**

### **L. D. McMullen**

L.D. McMullen, Director, Des Moines Water Works, addressed the Commission regarding his work on an EPA Advisory Board dealing with drinking water. He noted that he is Chair of LEGERC and they have reviewed the proposed Water Supply Fee rules and related EIS and have made some recommendations for modifications. He related that those recommendations will soon be sent to the department. Mr. McMullen noted that Congress will introduce the Safe Drinking Water Act reauthorization on January 4 and anticipated passage is in a range from seven to nine months. He stated that it will be a much more trimmed down version than before. He indicated that the bill will be geared to public health protection and will give unbelievable flexibility to the states. The EPA's definition of unbelievable flexibility is that there may not be drinking water standards that effect everyone in the whole country. Flexibility, even on regulations, may be on a region-by-region basis rather than something for the whole nation. He noted that there has also been discussion about elimination of some of the standards. Also, some states are on the hit list for primacy within EPA. In conclusion, Mr. McMullen urged the Commission to retain drinking water primacy in Iowa.

Chairperson Siebenmann thanked Mr. McMullen for his presentation.

## **AGREEMENT - POLK COUNTY LOCAL AIR POLLUTION CONTROL PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve an agreement between the department and the Polk County Board of Supervisors. This agreement sets forth each agency's respective roles in the on-going conduct of the air quality construction permitting program and the newly established Title V operating permit program mandated by the Clean Air Act Amendments of 1990, in Polk County.

The Polk County Air Pollution Control staff review applications and issues permits for the construction of new air pollution sources. Additionally, ambient air quality monitors are

maintained, and the data recorded and reviewed. The Polk County Air Pollution Control staff will review Title V operating permit applications, and draft final permits.

The agreement is for the period from October 1, 1994 through September 30, 1995. The agreement establishes quarterly payments totaling \$387,520.

Mr. Stokes reviewed that the department has, for a number of years, delegated authority for operation of the air pollution control program to two counties in Iowa. Historically, only Linn and Polk counties have ever applied for and been delegated authority. He noted that their programs have been funded by a portion of Section 105, of the Clean Air Act. The Title V Operating Program will place additional demands and pressures on those two local programs. The purpose of this agreement is to help provide Polk County with the resources to retain their program.

Mr. Stokes noted that the payments will be quarterly, and those payments will total \$387,520.

*Motion was made by Rozanne King to approve an agreement between the department and Polk County for delegation of their Local Air Pollution Control Program, at a cost of \$387,520. Seconded by Kathryn Murphy.*

Gary Priebe asked if it would be cheaper to have the DNR run the program.

Mr. Stokes replied that it would be more efficient and economical to let Polk County continue to run the program.

Verlon Britt asked if Linn County will also request something comparable to this.

Mr. Stokes related that staff has had discussion with Linn County as well, noting that they have signaled that they want to participate in the Title V provisions.

*Vote on Commissioner King's motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE--CHAPTERS 20 AND 31, GENERAL CONFORMITY IN NONATTAINMENT AREAS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to adopt as final the attached rules which add two definitions to Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice," and add a new Chapter 31, "Nonattainment Areas."

Chapter 31 will include requirements for areas which exceed one or more National Ambient Air Quality Standards. Chapter 31 also adopts by reference federal regulations which require that federal actions conform to applicable state implementation plans in nonattainment areas.

A public hearing was held on November 14, 1994. Only one comment was received. The party commenting was concerned that the inclusion of the definition of "EPA conditional methods" in 567--20.2 would result in the requirement that emissions testing firms be required to use Conditional Method 29 for analysis of metallic emissions. This method uses hydrofluoric acid which the commenter feels poses a health and safety risk.

The action requested of the Commission is to adopt the definition of "EPA Conditional Methods", not to adopt any specific method. These conditional methods are developed by EPA. IDNR does not have authority to modify federal test methods prescribed by federal regulations.

## **ENVIRONMENTAL PROTECTION COMMISSION [567]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission adopts amendments to Chapter 20, "Scope of Title - Definitions - Form - Rules of Practice", and adds new Chapter 31, "Nonattainment Areas", Iowa Administrative Code.

These rules add two definitions to Chapter 20, "EPA conditional method" and "EPA reference method". These definitions pertain to emissions testing. This action also adds a new Chapter 31 which is intended to establish at one location in the Iowa Administrative Code the requirements for areas which are exceeding one or more of the National Ambient Air Quality Standards. Included in new Chapter 31 is the adoption by reference of federal regulations which require that federal actions conform to the appropriate state implementation plans for the nonattainment area in order to attain the Clean Air Act's air quality goals. Federal action includes engaging in, supporting in any way or providing financial assistance for, licensing or permitting, or approving any activity which will occur in a nonattainment area.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 12, 1994, as **ARC 5169A**. A public hearing was held on November 14, 1994.

Only one comment was received during the comment period. The commenter was concerned about health and safety issues relating to one of the "EPA conditional methods". The Iowa Department of Natural Resources does not have authority to modify EPA test methods. Furthermore, The adoption of the definition of EPA conditional method does not require testing firms to use a specific testing or analytical method. It merely incorporates the definition in Iowa Administrative Code consistent with the federal definition.

These rules are not expected to impact small businesses.

These rules are intended to implement Iowa Code section 455B.133.

The following rules are adopted.

Item 1. Amend rule 567--20.2 by adding the following definitions:

"EPA conditional method" means any method of sampling and analyzing for air pollutants that has been validated by the administrator but that has not been published as an EPA reference method.

"EPA reference method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M, as amended through July 20, 1993; 40 CFR 52, Appendices D and E, as amended through July 20, 1993; 40 CFR 60, Appendix A, as amended through May 17, 1993; 40 CFR 61, Appendix B as amended through June 25, 1993; 40 CFR 63, Appendix A, as amended through October 27, 1993; and 40 CFR 75, Appendices A, B, and H, as amended through July 20, 1993.

Item 2. Add a new chapter 567--31 as follows:

#### CHAPTER 31 NONATTAINMENT AREAS

567--31.1(455B) Permit requirements relating to nonattainment areas. Special construction permit requirements in nonattainment areas are contained in rules 22.5 and 22.6.

567--31.2(455B) Conformity of general federal actions to the Iowa state implementation plan or federal implementation plan. The federal regulations relating to determining conformity of general federal actions to state or federal implementation plans, 40 CFR 93 subpart B as adopted November 30, 1993, are adopted by reference except 40 CFR 93.151.

31.2(1) Section 93.160(f) is modified to read: written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitment must be fulfilled.

31.2(2) Section 93.160(g) is modified to read: after the effective date of this rule and EPA's approval of the corresponding state implementation plan change, any agreements, including mitigation measures, necessary for a conformity determination will be both state and federally enforceable. Enforceability through the Iowa state implementation plan will apply to all persons who agree to mitigate direct and indirect emissions associated with a federal action for a conformity determination.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

#### **PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY FOR**

#### **567 Iowa Administrative Code chapters 20 & 31**

## INTRODUCTION

On September 19, 1994 the Environmental Protection Commission approved a Notice of Intended Action to receive public comments regarding revisions to Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice", and the addition of a new Chapter 31, "Nonattainment Areas". The Notice of Intended Action was published in the Iowa Administrative Bulletin on October 12, 1994, as ARC 5169A. A public hearing was held on November 14, 1994 and one written comment was received.

These rules add two definitions to Chapter 20, "EPA conditional method", and "EPA reference method". These definitions pertain to emissions testing. This action also adds a new Chapter 31 which is intended to establish at one location in the Iowa Administrative Code the requirements for areas which are exceeding the National Ambient Air Quality Standards.

## COMMENT

National Environmental Testing, Inc.

One of EPA's "conditional methods" is Method 29 which is used for the sampling and analysis of metals. This method uses hydrofluoric acid about which the commenter has health and safety concerns.

## RESPONSE

This rule making action does not require the use of a specific sampling or analytical method. The addition of the two definitions is the effect of this rulemaking. Other methods may be used by the commenter providing he follows the prescribed validation procedure showing that an alternative method yields the same results. Furthermore, since Method 29 is a proposed federal test method, the Department of Natural Resources does not have authority to modify it.

## RECOMMENDED ACTION

No change.

Mr. Stokes gave a detailed explanation of the rules and reviewed the public comments.



*Motion was made by Verlon Britt to approve Final Rule--Chapters 20 and 31, General Conformity in Nonattainment Areas. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## **GRANTS TO COUNTIES PRIVATE WELL TESTING AND CLOSURE, FY96**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is being provided the attached list of proposed grants to 91 counties for well testing and plugging, and 3 counties for well plugging only. The list of proposed grant recipients is being provided to the Commission at this time for their information. Grants will be \$15,000.00 per county for well testing and \$14,000.00 per county for well abandonment for a total of \$2,681,000.00. These figures are based on the current unobligated balance in the Groundwater Fund Agricultural Management Account (including previous year carryover) and additional receipt of funds expected before the end of the fiscal year.

Ninety four applications were received for the grant program. No application was determined to be ineligible. Counties are expected to test a minimum of 300 wells and plug 50 wells under each grant. These figures are based on data from the last three grant periods. Deviations from the actual grant amounts may vary based on final grant dollars available and the actual final numbers of wells tested and plugged by each county. Final payment will be based on actual performance. For SFY96, the well testing grant will increase by \$5,000 per county and \$5,200 per county for well plugging, as compared to SFY95. Counties are allowed to transfer moneys between programs upon Department approval.

The Commission will be asked to approve these grants at their January 1995 meeting.

**(The official grant list is shown on the following pages)**

## COUNTIES PARTICIPATING IN WELL PLUGGING AND WELL TESTING GRANT PROGRAMS

COUNTY NAME		FY93	FY94	FY95	FY96	FY93	FY94	FY95	FY96
Adair	1	X	X	X	X	X	X	X	X
Adams	2	X	X	X	X	X	X	X	X
Allamakee	3	X	X	X	X	X	X	X	X
Appanoose	4	X	X	X	X	X	X	X	X
Audubon	5	X	X	X	X	X	X	X	X
Benton	6	X	X	X	X	X	X	X	X
Black Hawk	7	X	X	X	X	X	X	X	X
Boone	8	X	X	X	X	X	X	X	X
Bremer	9	X	X	X	X	X	X	X	X
Buchanan	10	X	X	X	X	X	X	X	X
Buena Vista	11	X	X	X	X	X	X	X	X
Butler	12	X	X	X	X	X	X	X	X
Calhoun	13	X	X	X	X	X	X	X	X
Carroll	14	X	X	X	X	X	X	X	X
Cass	15	X	X	X	X	X	X	X	X
Cedar	16	X	X	X	X	X	X	X	X
Cerro Gordo	17	X	X	X	X	X	X	X	X
Cherokee	18	X	X	X	X	X	X	X	X
Chickasaw	19	X	X	X	X	X	X	X	X
Clarke	20				X				X
Clay	21	X	X	X	X	X	X	X	X
Clayton	22	X	X	X	X	X	X	X	X
Clinton	23	X	X	X	X	X	X	X	X
Crawford	24	X	X	X	X	X	X	X	X
Dallas	25				X				X
Davis	26	X	X	X	X	X	X	X	X
Decatur	27								
Delaware	28	X	X	X	X	X	X	X	X
Des Moines	29	X	X	X	X	X	X	X	X
Dickinson	30	X	X	X	X	X	X	X	X
Dubuque	31	X	X	X	X	X	X	X	X
Emmet	32	X	X	X	X	X	X	X	X
Fayette	33	X	X	X	X	X	X	X	X
Floyd	34	X	X	X	X	X	X	X	X
Franklin	35	X	X	X	X	X	X	X	X
Fremont	36								
Greene	37	X	X	X	X	X	X	X	X
Grundy	38	X	X	X	X	X	X	X	X
Guthrie	39	X	X	X	X	X	X	X	X
Hamilton	40	X	X	X	X	X	X	X	X
Hancock	41	X	X	X	X	X	X	X	X
Hardin	42	X	X	X	X	X	X	X	X

## COUNTIES PARTICIPATING IN WELL PLUGGING AND WELL TESTING GRANT PROGRAMS

COUNTY NAME		FY93	FY94	FY95	FY96	FY93	FY94	FY95	FY96
Harrison	43	X	X	X	X	X	X	X	X
Henry	44	X	X	X	X	X	X	X	X
Howard	45	X	X	X	X	X	X	X	X
Humboldt	46	X	X	X	X	X	X	X	X
Ida	47	X	X	X	X	X	X	X	X
Iowa	48	X	X	X	X	X	X	X	X
Jackson	49	X	X	X	X	X	X	X	X
Jasper	50	X	X	X	X	X	X	X	X
Jefferson	51			X	X	X	X	X	X
Johnson	52	X	X	X	X	X	X	X	X
Jones	53	X	X	X	X	X	X	X	X
Keokuk	54	X	X	X	X	X	X	X	X
Kossuth	55	X	X	X	X	X	X	X	X
Lee	56	X	X	X	X	X	X	X	X
Linn	57	X	X	X	X	X	X	X	X
Louisa	58	X	X	X		X	X	X	
Lucas	59					X	X	X	X
Lyon	60	X	X	X	X	X	X	X	X
Madison	61					X	X	X	X
Mahaska	62	X	X	X	X	X	X	X	X
Marion	63	X	X	X	X	X	X	X	X
Marshall	64	X	X	X	X	X	X	X	X
Mills	65	X	X	X	X	X	X	X	X
Mitchell	66	X	X	X	X	X	X	X	X
Monona	67					X	X	X	X
Monroe	68		X	X	X		X	X	X
Montgomery	69	X	X	X	X	X	X	X	X
Muscatine	70	X	X	X	X	X	X	X	X
O'Brien	71	X	X	X	X	X	X	X	X
Osceola	72					X	X	X	X
Page	73	X	X	X	X	X	X	X	X
Palo Alto	74	X	X	X	X	X	X	X	X
Plymouth	75	X	X	X	X	X	X	X	X
Pocahontas	76	X	X	X	X	X	X	X	X
Polk	77								
Pottawattamie	78	X	X	X	X	X	X	X	X
Poweshiek	79	X	X	X	X	X	X	X	X
Ringgold	80	X				X			
Sac	81	X	X	X	X	X	X	X	X
Scott	82	X	X	X	X	X	X	X	X
Shelby	83	X	X	X	X	X	X	X	X
Sioux	84	X	X	X	X	X	X	X	X
Story	85	X	X	X	X	X	X	X	X

## COUNTIES PARTICIPATING IN WELL PLUGGING AND WELL TESTING GRANT PROGRAMS

COUNTY NAME		FY93	FY94	FY95	FY96	FY93	FY94	FY95	FY96
Tama	86	X	X	X	X	X	X	X	X
Taylor	87	X	X	X	X	X	X	X	X
Union	88	X	X	X	X	X	X	X	X
Van Buren	89	X	X	X	X	X	X	X	X
Wapello	90	X	X	X	X	X	X	X	X
Warren	91	X	X	X	X	X	X	X	X
Washington	92	X	X	X	X	X	X	X	X
Wayne	93	X	X	X	X	X	X	X	X
Webster	94	X	X	X	X	X	X	X	X
Winnebago	95	X	X	X	X	X	X	X	X
Winnebago	96	X	X	X	X	X	X	X	X
Woodbury	97	X	X	X	X	X	X	X	X
Worth	98	X	X	X	X	X	X	X	X
Wright	99	X	X	X	X	X	X	X	X

Mr. Stokes explained the grant program and reviewed the proposed list of grant recipients.

Verlon Britt inquired why some counties do not participate.

Mr. Stokes stated that it is their choice to participate. He noted that the grant amount is determined by taking the total monies available and dividing it by the number of counties that have applied and the result is the grant amount.

Gary Priebe asked what the procedure is for someone who would want to have their well tested.

Mr. Stokes stated that it is up to the individual counties as to who to contact initially but it would probably be the Board of Supervisors.

Commissioner Priebe asked what happens with the money if a county spends only a portion of the grant.

Mr. Stokes stated that the unused portion is returned to the department and is put back into the fund.

INFORMATIONAL ONLY

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**STATE REVOLVING FUND, INTENDED USE PLAN FY95**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The department has developed the initial State Revolving Fund Intended Use Plan for the State of Iowa, Fiscal Year 1995. The Intended Use Plan (IUP) will be presented to the Commission for information. The IUP will include the State Project Priority List which is the list of projects proposed to received loan assistance in FY 1995.

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Congressional appropriations have been made for FY 1995 and although not as large as previous years, loan applications do not exceed the funds that can be added to the state's SRF through the capitalization grant and the state match bond sale. Applications are still being received and will be added to the list of projects subject to available funds.

EPA requires opportunity for public input on the IUP and Project Priority List. Approval for a public hearing will be requested in January 1995. Following the hearing, the IUP will be finalized and an application for the capitalization grant submitted to EPA.

(A copy of the SRF-IUP is on file in the department's Records Center)

Mr. Stokes reviewed the history of the State Revolving Fund program and how it operates. He distributed an Intended Use Plan Fact Sheet for SFY 1995 which shows Iowa's allotment for this year will be \$16,838,500. He related that applications to date total \$5,660,000. He noted that staff have sent a mailing to public treatment plants to notify them that loans are available.

Gary Priebe commented that if the monies are ever available the department should look at making the program available to private as well as public entities. He added that anything that can be done to stop pollution, whether it be public or private, is an asset to the state.

Discussion followed regarding matching funds; interest rates; why some communities do not apply for a grant; communities with septic tank systems; and enforcement.

<b>INFORMATIONAL ONLY</b>
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**PROPOSED RULE--CHAPTER 61, STREAM USE CLASSIFICATIONS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with a proposed rule amendment which would establish stream use classifications for additional Iowa streams. The proposed stream use classifications are a result of field work conducted during calendar year 1994 to assess the capability of streams to support various aquatic uses as defined in the Commission's water quality standards. The

proposed rule is a continuation of the stream use assessment effort begun in 1990. No stream use assessments were conducted in 1993 due to prolonged high flows throughout 1993. It is anticipated the stream use assessment effort will be completed in 1995.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes reviewed the rules and distributed a map showing the affected stream segments in the state. He also distributed a list of wastewater treatment facilities that could potentially be impacted in this round of use designations. He related that additions to the list specifically address those streams where protected flows are being set.

<b>INFORMATIONAL ONLY</b>
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### **STATE ABANDONED AND UNCONTROLLED REGISTRY REPORT**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided a copy of the 1994 Registry of Hazardous Waste or Hazardous Substance Disposal Sites & Hazardous Waste Remedial Fund Annual Report for their information. Staff will provide a brief overview of the report.

State law requires the Director to file this report with the Governor and the General Assembly by January 1 of each year covering the activities in this program.

(A copy of the report is on file in the department's Records Center)

Mr. Stokes explained the report in detail.

Charlotte Mohr asked about the reference on Page 3 to the \$6,717 being paid toward the Pruess Elevator site cleanup and wondered where the money came from.

Mike Murphy replied that it came from a lending institution where there apparently was a loan or property transaction and the department's lien was noted.

Rozanne King asked who is in the lead agency dealing with these sites.

Mr. Stokes stated that this is a State list but some of the sites may or may not also be on the federal National Priority List. He related that there is the federal Superfund that has the National Priority List which are those sites that would be eligible for use of federal Superfund dollars to clean them up. He added that the federal government may be taking the lead in some of the cases, working with the responsible parties in an oversight role. On others, the state may have the lead role in working with the responsible parties to addressing the site.

INFORMATIONAL ONLY
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**STATE SAFE DRINKING WATER PROGRAM**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

At their November, 1994 Commission meeting, the Commission requested information on the ~~State Drinking Water Program~~. The Commission will be given a brief presentation on the scope of the program, the proposed fee rules for public water supplies and the Economic Impact Statement that was requested by the Administrative Rules Review Committee.

Mr. Stokes previously distributed copies of the Economic Impact Statement (EIS) the Commission approved in an electronic meeting several weeks ago. He pointed out that this copy includes an attachment, requested by Commissioner Yeager, listing a projection of the funds from 1993 - 1998 at the State level.

(A copy of the EIS and attachment is on file in the department's Records Center)

Mr. Stokes reviewed the history of the Safe Drinking Water Act and requirements under that Act. He explained variance and exemption provisions of the Act. He noted that DNR has had primacy for the drinking water program since 1978 except for a brief period of time in 1983. In November 1993, EPA informed DNR they were insufficiently staffed for the drinking water program and, if not corrected, the department would lose primacy for the program. Subsequently, the department urged the legislature, unsuccessfully, to allow them to retain fees charged for water supply permits to pay for people to run the program. Other environmental groups (LEGERC) realized that Iowa could lose primacy and they approached the legislature and offered the notion of a fee based system. The legislature then passed SF2314 and the Governor's budget request proposed an appropriation of \$500,000 to hire employees and retain primacy. SF2314 allows the State to retain fees that it charges for permits. The law directed the department to adopt rules which establish fees to generate the revenue needed to run the drinking water program. Mr. Stokes expanded on costs to run the program and what would happen if it was run by EPA.

Charlotte Mohr stated that the rules exempt public water supplies owned by the department and those located on Indian lands from paying fees, and she inquired why it does not exempt county parks.

Mr. Stokes explained that it does not make a lot of sense to charge for the department's water supplies and make a number of interfund transfers within the department, which would merely create a lot of paper work. He related that they have to meet all of the requirements of the rule except for fees.

Charlotte Mohr asked if county parks could also be included in the exemption.

Mr. Stokes stated that it is a decision the Commission can make if they so desire. He asked if one exempts county parks, do they then exempt county homes, schools, etc.

Chairperson Siebenmann asked about the adoption date deadline of December 31, 1994.

Mr. Stokes stated that the ARC required the EIS, which made it impossible to adopt the rules by the deadline date. He related that the ARC was informed that there was a December 31 deadline and they did not respond to that.

Director Wilson noted that Don Brazelton, Director of the Iowa Association of County Boards, was present and invited him to speak.

#### **Don Brazelton - Iowa Association of County Boards**

Don Brazelton stated that the Association commented on the rules and felt that the action by the department exempting state parks was similar to Congress passing laws that they did not have to abide by. He added that they see some problems with this in regard to fees the county boards charge as compared to what the state can then charge for various camping fees. He noted that it will increase the counties costs. He related that the same comment was made by the private campgrounds that their overhead is increasing, therefore they will have to charge more. Mr. Brazelton stated that the Association's first choice was that they also be exempted from the fee. He added that he understands that with more people paying the fee it may be reduced and with more systems in the overall payment of costs it spreads the cost, therefore reducing the ultimate cost to each system.

Clark Yeager questioned how the totals were computed on the list of fund projections for 1993-1998.

Mr. Stokes noted that there was some miscalculations but explained that by adding the EPA Grant, General Fund, and Alternative Funding Mechanism-Dedicated, it should give the State Budget total for each of the years listed.

<b>INFORMATIONAL ONLY</b>
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#### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission will be asked to refer the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage



it's position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Amoco Oil Company (Carroll) - underground tanks
- b. Ida County Sanitary Landfill - solid waste

(Ida County Sanitary Landfill was deleted from the agenda)

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### **Amoco Oil Company**

Mr. Murphy stated that this case involves an underground tank site in Carroll, Iowa, owned by Amoco Oil at the time petroleum contamination was discovered in July and August 1987. He indicated that from 1988 to 1992 Amoco was aware of the contamination and, in fact, was pumping free product. The department was not notified of the contamination until February, 1992, at which time the DNR thought it a new release and asked that an SCR be done. When the department received the SCR in November 1993, the full history of the site then became known to staff and it was discovered that Amoco had actually known about the existence of the contamination and had not reported it for a period of four years. Mr. Murphy noted that similar cases with Amoco have been previously referred and staff feel it should be treated similarly since the contamination was not reported for an extensive period of time.

### **Appointment - Jay Eaton**

Jay Eaton, representing Amoco Oil Company, stated that Amoco does not believe that referral of this matter is necessary and that it would not be appropriate. He further explained that there had been a number of staffing changes at Amoco with respect to their environmental responsibility. He stated that the condition of the site itself, the degree of contamination that existed, and the potential effect of the contamination on health and human safety, which does not exist, is a relevant consideration for the Commission to make in deciding what is appropriate action. Mr. Eaton expanded on details of the staffing changes noting that their Remediation Services Division went from one staff person for six states to two staff for Iowa alone. He pointed out that since these two people were assigned to Iowa in 1992, Amoco has not had any problems in Iowa and all of the reports that have been necessary have been timely made. He related that these reports are taken seriously by Amoco. Mr. Eaton stated that Amoco voluntarily reported the Carroll site after they had done testing, and it was not reported because they were selling the property. He noted that after the 1992 additional staffing occurred, Amoco has fully disclosed all the information that was required by DNR. He stated that the primary reason this should not be referred is because even though Amoco has had past problems with the State, none have occurred since the last problem; this incident occurred before the last problem. Mr. Eaton related that free product was noticed only one day in a five year period and it is not as if the company has failed to do something. He noted that an SCR has been filed with the State.

Rozanne King asked about deficiencies noted in the SCR.

Mr. Murphy stated that an SCR was received in November 1993 and staff requested that it be resubmitted with additional information. He related that the revised SCR was just recently received and staff has not had time to review it. He stressed that the SCR is not the issue here today, the issue is for violations which occurred in 1988 and went unreported.

A lengthy discussion of the issues the followed.

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Terrance Townsend asked if the Carroll plant was under the same management as the two sites that were previously cited.

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Mr. Eaton stated that there was not any discussion about the Carroll site at that time; the previous action was for the Fleur Drive station and one on the east side of the city. He related that he was not sure about the management of each station.

William Ehm asked why the penalty was levied for those two sites.

Mr. Murphy stated that it was for failure to report. He related that there were four sites referred and the AG's office reviewed two of them and felt that enforcement action was not appropriate on two of them, and they asked the department to handle those two administratively.

William Ehm commented that he does not like giving large corporations a break because they should have staff and ability to keep up on what is required of them, but on the other hand he cannot see penalizing a company over and over again for a single mistake at multiple sites.

Mr. Stokes stated that even though Amoco paid a sizable penalty he would not like to see that somehow get translated into a forgiveness of all future sins, just because they have paid in the past for those actions.

Gary Priebe stated that he agrees with Commissioner Ehm on going back and hitting the company over and over and he would like to know if it could be handled administratively.

Further discussion took place and the following action was taken.

<i>Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Terrance Townsend.</i>
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Gary Priebe stated that he feels the Commission should take action but doesn't think it should be because they are a big company.

Discussion took place regarding the previous penalty paid by Amoco; when the violation occurred; penalties and site cleanup; and Amoco's failure to report the incident.

Clark Yeager commented that what bothers him is this case was not included with the other cases when there was knowledge of it a year-and-a-half before the AG's settlement with them.

Mr. Murphy stated that staff did not know it was a failure to report at that time. He related that in February 1992 staff received a report of contamination and thought that was when the contamination occurred. It was not known at that time that it was a reporting violation.

*Clark Yeager moved to amend the motion to have this case handled administratively because of so many overlapping time frames in relation to the two previous cases. Seconded by Charlotte Mohr.*

Discussion took place regarding whether Commissioner Yeager's amendment was proper.

Commissioner Ehm commented that the motion on the floor should be voted on before taking action on another.

Chairperson Siebenmann ruled that there is that option and it would be cleaner to do it that way. She noted that the Commission will vote on the initial motion to refer the matter to the Attorney General.

*Chairperson Siebenmann requested a roll call vote on Commissioner Ehm's motion to refer. "Aye" vote was cast by Commissioners Townsend and Ehm. "Nay" vote was cast by Commissioners Murphy, Priebe, Yeager, Britt, King, and Mohr. Motion failed on a vote of 2-Aye to 6-Nay.*

**MOTION FAILED**

*Motion was made by Clark Yeager that the case be handled administratively. Seconded by Charlotte Mohr.*

*Chairperson Siebenmann requested a roll call vote. "Aye" vote was cast by Commissioners Priebe, Townsend, Yeager, Britt, King, Mohr, and Murphy. "Nay" vote was cast by Commissioner Ehm. Motion carried on a vote of 7-Aye to 1-Nay.*

**MOTION TO HANDLE ADMINISTRATIVELY CARRIED**

~~UNANIMOUSLY~~

**1995 LEGISLATION PACKAGE**

Larry Wilson, Director, presented the following item.

**IOWA DEPARTMENT OF NATURAL RESOURCES**

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**ENVIRONMENTAL PROTECTION LEGISLATIVE PROPOSALS  
1995 LEGISLATIVE SESSION**

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The following are the preliminary descriptions of legislative proposals that could be put forward by the department in 1995

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**Previously introduced proposals**

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**1. Clean up of open dump sites**

In 1994 the department requested legislation to overcome an Iowa Supreme Court determination that the DNR's authority to require clean up of open dumping sites was much more limited than the department had historically interpreted the law. The DNR proposal was passed by the Senate, but not the House. The bill proposed specific authority to require clean up as had been done prior to the Court's action.

**2. Eliminate the 10 year moratorium on waste water treatment plant updates**

State law prohibits the DNR from imposing more stringent limits on a municipality for ten years after a plant is upgraded. Federal law has no such limitation and EPA has written the department suggesting that removal of the limitation is necessary to restore the integrity of the state's delegated permit program. While EPA has not taken action to date, this deficiency provides a basis for proceeding.

**3. Container deposit law modifications**

Last year the department proposed changes to the container deposit law to include products that were not sold when the original law was written, but which are packaged in the same containers as drinks now subject to deposit. Examples are juices, teas and mineral water. An interim study committee will be looking at the bottle bill. They may propose changes to the current law. Reintroduction of the original bill would provide one alternative for consideration in 1995.

**New proposals****4. Streamline the tonnage fee language**

The sections describing tonnage fees are as complex as any statute in the Iowa Code. The main reason is the incremental distribution of the money as the fees were raised each year. Now that the fees are stable, consolidation and removal of obsolete sections would make it understandable. Last year's bill also introduced changes in the goal for waste reduction and directs funds in ways that cannot be accounted for. A simple approach would return to the two tiered goal statement and direct allocation of funds as a percentage of the whole.

**5. Provide a sales tax exemption on the purchase of equipment that facilitates waste reduction**

Currently there are exemptions for several categories of equipment which will have an environmental benefit. One is for equipment that is used in recycling. Waste reduction is a critical concept that needs to be fostered. By providing an exemption from sales tax for

equipment that is used for waste reduction, more favorable consideration of that option is likely to occur.

**6. Repeal the requirement for the purchase of bio-degradable corn starch trash bags**

In chapter 18.18 of the Code, the State is required to purchase bags made with starch based plastic. The mandate was intended to support degradable bags as a benefit in waste management. Studies have shown these bags do not decompose in landfills or elsewhere to benefit the environment. Iowa is the only state with such a requirement. At the same time more consideration should be given to bags which are made from recycled plastic.

### **TONNAGE FEE SIMPLIFICATION**

The intent of this proposal is to clarify and simplify code language so that all parties can understand and implement the law. We have tried to avoid changing the meaning of the law. One obstacle to further simplification is the numerous agreements on specific subjects that are best left untouched to avoid controversy. One example is the language dealing with foundry sand.

Prior to 1988, the tonnage fee for solid waste was set at 25 cents per ton. The General Assembly determined that landfills caused problems for the environment and that landfill space was filling up too quickly. A tonnage fee increase was seen as a vehicle to encourage alternatives to land disposal. The revenue generated was directed to management of state solid waste programs and to specific initiatives designed to help create alternatives to landfills such as source reduction and recycling.

In section 455B.310, the fee was raised from 25 cents to \$1.50. With annual 50 cent per ton increases, the fee rose to \$3.50. Finally an additional 75 cents was added for funding alternatives grants. Each year as the fee changed the use of the money was altered. For several years there were annual amendments.

Each time additional money was to be collected, the law also created new uses for the money. At times both the old and new money were redirected by legislative amendment.

The proposed changes eliminate several paragraphs that describe the fee increases with a new sentence that sets the fee at \$4.25 per ton. Other paragraphs deal with exemptions that are no longer relevant. For example when the fees are increased, the legislature allowed time to incorporate the new rates into existing contracts. Since the deadlines are past, the language is no longer needed.

In 455E.11, all of the words that set out how to spend the money were consolidated. For example, during three years, fifteen cents of fifty cents added each year was retained by the local agency. The total of forty-five cents is part of the ninety-five cents to be retained. To simplify the law, the ninety-five cents per ton retained locally is put together and a single section directs the use of these funds--replacing three sections in current law.

Finally, the money sent to the DNR for grants and to fund state programs has been consolidated into one section that distributes the entire amount according to a percentage of the total. This results in clear definition of where the money goes. Also, if needs for funds change the legislature can change the percentages and add or delete a use without confusion or impact on other recipients.

Director Wilson reviewed each of the six legislative proposals. Following a lengthy discussion of the proposals the consensus of the Commission, although not unanimous in each case, was to approve Proposals 1, 2, 4, 5, and 6. Proposal 3 pertaining to the container deposit law modifications was not approved.

<b>APPROVED PROPOSALS WITH EXCEPTION OF #3</b>
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Director Wilson discussed the January EPC meeting noting that it is on Tuesday, January 17, (Monday is a holiday). He related that the legislature will be invited to join the Commission on Wednesday morning from 7:30 - 9:00 a.m., at which time the Commissioners can explain the legislative proposals to the legislators.

## **GENERAL DISCUSSION**

1) Charlotte Mohr asked for an update on Rosebar and the Don Grell case.

Director Wilson stated that Rosebar is in the process of changing hands. Intent of the stockholder, with outside management, is to upgrade the facility and produce crumb rubber.

Mr. Stokes reported that Don Grell has a permit for the tire facility. He noted that the department has not received an application for the remainder of the facility. They are taking tires and storing a sizable quantity of tires inside the building.

2) Rozanne King asked about the status of the Title V Air Program.

Mr. Stokes reported that staff are in the process of interviewing for ten positions and they should have people in those jobs by mid-January.

3) Clark Yeager distributed copies of a letter he received from Margo Underwood regarding the waste abatement study issue.

4) William Ehm reported that the farm commodity group he was going to get together in terms of new legislation coming down the pike has not had a lot of interest at this time. He will wait until some of the issues begin to occur as there will be more interest at that time.

## **ADDRESS ITEMS FOR NEXT MEETING**

- Rosebar - legalities when selling a business that has been given a LAG grant
- Hon Industries update

### NEXT MEETING DATES

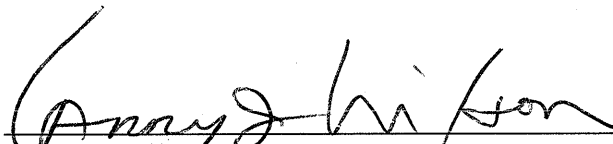
January 17, 1995 (Tuesday)

February 20, 1995

March 20, 1995

### ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Siebenmann adjourned the meeting at 3:10 p.m., Monday, December 19, 1994.

  
Larry J. Wilson, Director  
Nancylee Siebenmann, Chair  
Rozanne King, Secretary

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